

BEFORE THE ARIZONA CORPORATION C



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JIM IRVIN
COMMISSIONER - CHAIRMAN
RENZ D. JENNINGS
COMMISSIONER
CARL J. KUNASEK
COMMISSIONER

IN THE MATTER OF THE APPLICATION OF)
JOSEPH H. GILTNER DBA PAYPHONE)
SERVICES FOR THE SALE OF ASSETS AND)
CANCELLATION OF THE CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO PROVIDE)
CUSTOMER-OWNED PAY TELEPHONE)
SERVICE IN THE STATE OF ARIZONA.)

DOCKET NO. T-02781A-93-0366

DECISION NO. 61210

ORDER

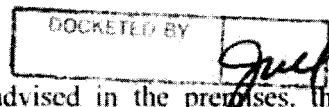
Arizona Corporation Commission

DOCKETED

OCT 29 1998

Open Meeting
October 27 and 28, 1998
Phoenix, Arizona

BY THE COMMISSION:



Having considered the entire record herein and being fully advised in the premises, the Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. Joseph H. Giltner dba Payphone Services ("Applicant") is a sole proprietorship which has a Certificate of Convenience and Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of Arizona pursuant to Decision No. 58854 (November 2, 1994).

2. On August 27, 1998, Applicant filed an application for approval of the sale of assets and cancellation of the Certificate.

3. In Decision No. 55817 (December 10, 1987) the Commission found that COPT providers were public service corporations subject to the jurisdiction of the Commission.

4. The Commission in Decision No. 57797 (April 8, 1992) adopted A.A.C. R14-2-901 through R14-2-909 to regulate COPT providers.

5. In Decision No. 58535 (February 14, 1994) the Commission adopted a Generic Tariff which establishes rates and minimum service standards applicable to COPT service.

6. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

7. On July 7, 1998, the Commission's Utilities Division Staff ("Staff") filed a Staff Report, recommending approval of the application to sell assets and cancel Applicant's Certificate without a hearing.

8. According to Staff, Applicant has sold assets to National Brands, Inc., which is certificated to provide COPT service pursuant to Decision No. 59669 (May 15, 1996).

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application

3. The sale of assets and cancellation of Applicant's Certificate is in the public interest.

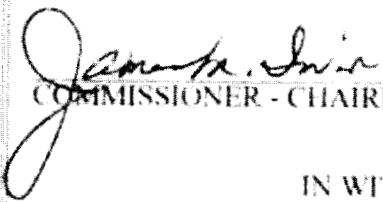
4. Staff's recommendation in Findings of Fact No. 7 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of Joseph H. Giltner dba Payphone Services for the sale of assets and cancellation of the Certificate to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


COMMISSIONER - CHAIRMAN


COMMISSIONER


COMMISSIONER

IN WITNESS WHEREOF, I, JACK ROSE, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 29th day of Oct, 1998.


JACK ROSE
EXECUTIVE SECRETARY

DISSENT
BMB:bbs

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SERVICE LIST FOR:

JOSEPH H. GILTNER DBA PAYPHONE SERVICES

DOCKET NO.:

T-02781A-98-0366

Joseph H. Giltner, Owner
PAYPHONE SERVICES
10 W. Northern Ave. #9
Phoenix, Arizona 85021

Paul Bullis, Chief Counsel
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Director Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007